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In re Application of :  
PARK et al. :  
Application No.: 10/578,950 : DECISION ON PETITION  
PCT No.: PCT/US04/37280 :  
Int. Filing Date: 05 November 2004 :  
Priority Date: 10 November 2003 :  
Attorney Docket No.: 21567P :  
For: SUBSTITUTED TRIAZOLES AS  
SODIUM CHANNEL BLOCKERS

This decision is issued in response to the declaration submitted on 08 May 2006 which is being treated as a Request under 37 CFR 1.42.

### **BACKGROUND**

On 05 November 2004, applicants filed international application PCT/US04/37280, which claimed a priority date of 10 November 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006.

On 08 May 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; a copy of the international application; and a declaration executed by the legal representative, Louis L. Zuegner III. It is noted that a declaration executed by the remainder inventors (Min K. Park, Prasun K. Chakravarty, Bishan Zhou, Edward Gonzalez, Hyun OK, Brenda Palucki, William H. Parsons and Rosemary Sisco) was not included.

### **DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The substitute declaration filed 08 May 2006 is executed by Louis L. Zuegner III as the "legal representative" of Michael H. Fisher and provides their residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

### CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration, executed by Min K. Park, Prasun K. Chakravarty, Bishan Zhou, Edward Gonzalez, Hyun OK, Brenda Palucki, William H. Parsons and Rosemary Sisco, is required.



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